

SRA Fire Prevention Fee

Frequently Asked Questions

Below are answers to a list of common questions related to the SRA Fire Prevention Fee.

What is the Fire Prevention Fee?

Assembly Bill X1 29 was approved by the California Legislature on June 15, 2011 and signed into law on July 7, 2011. The law established a new annual Fire Prevention Fee to pay for fire prevention services within the State Responsibility Area (SRA). This fee is assessed on owners of habitable structures located in the SRA.

What is the State Responsibility Area (SRA)?

The State Responsibility Area includes state and privately-owned forest, watershed, and rangeland where the State of California is financially responsible for the prevention and suppression of wildfires. SRA does not include lands within city boundaries or in federal ownership. SRA is determined under regulations of the Board of Forestry and Fire Protection (Board). The SRA definition can be found in Public Resources Code (PRC) 4126.

SRA forms one large area (over 31 million acres and approximately 763,000 habitable structures) to which CAL FIRE provides a basic level of fire prevention and protection services. Many areas receive augmented fire protection from local fire protection agencies.

What is a habitable structure?

A "habitable structure" is a building that can be occupied for residential use. These include single family homes, multi-dwelling structures, mobile and manufactured homes, condominiums and apartment buildings. Habitable structures do NOT include incidental buildings such as detached garages, barns, outdoor sanitation facilities and sheds.

What about condominiums?

In a condominium complex, each owner has a separate parcel and would be assessed \$150 per condominium, with a reduction of \$35 per condominium if it is also within the boundaries of a local fire protection agency.

What about apartments?

In an apartment complex, the fee is \$150 per apartment building (not per apartment unit), and with a reduction of \$35 per apartment complex if it is also within the boundaries of a local fire protection agency.

What about other structures?

The current law does not provide for the fees to be charged to non-habitable structures such as businesses and offices. Also, incidental structures without living areas such as detached garages, barns, woodsheds and outbuildings are not assessed the fee.

What is the amount of the fee?

The fee is assessed at the rate of \$150 per habitable structure. However, owners of habitable structures that are within the boundaries of a local fire protection agency will receive a reduction of \$35 per habitable structure. Residents in the SRA will receive the specific fee amount and exemptions (if any) on the fee bill and notice.

What does the fee pay for?

This fee will fund a variety of important fire prevention services within the SRA, including brush clearance and activities to improve forest health so the forest can better withstand wildfire. Other activities funded by the fee include fire break construction, defensible space inspections, fire prevention engineering, emergency evacuation planning, fire prevention education, fire hazard severity mapping, fire related law enforcement and implementation of the State Fire Plan.

Who is responsible for paying the fee?

The person or agency responsible for paying the fee is the owner of record of a habitable structure as of July 1, on the County tax assessor rolls, or as recorded by the California Department of Housing and Community Development on July 1 of the state fiscal year in which the fee is due. This is the case regardless of whether the owner of record at that time is still the property owner now.

How do I find out if my structure is within the SRA?

Visit the Board of Forestry and Fire Protection's website and click the "State Responsibility Area Viewer".

Where will the money collected by the fee be used?

SRA forms one large area across California in which CAL FIRE provides a basic level of fire prevention services. Therefore, the funds will be expended on services and activities throughout the SRA.

Under what authority is this fee being charged?

In 2011, the California State Legislature passed Assembly Bill AB X1 29 establishing this fee and ordering the California State Board of Forestry and Fire Protection to enact emergency regulations to implement the fee. The Fire Prevention Fee is codified in law in the Public Resources Code 4210 et.seq. The Board of Forestry and Fire Protection has adopted emergency regulations further defining the fee, how it is collected, and how it can be appealed.

Why is this fee being charged now to habitable structure owners in the SRA?

The legislation, ABX1 29, provides several legislative findings, declarations and related wording which explain several reasons for the fee:

- The presence of structures within SRA can pose an increased risk of fire ignition and an increased potential for fire damage within the state's wildlands and watersheds.
- The presence of structures within SRA can also impair wildland firefighting techniques and could result in greater damage to state resources caused by wildfires.
- The costs of fire prevention activities aimed at reducing the effects of structures upon State fire protection responsibilities in SRA should be borne by the owners of these structures.
- Individual owners of structures within SRA receive a disproportionately larger benefit from fire prevention activities than that realized by the state's citizens generally.
- It is necessary to impose a fire prevention fee upon individual owners of structures in SRA to fund fire prevention activities in those areas from which such owners derive a specific benefit.

What if I am already protected by another fire agency?

Owners of habitable structures within the SRA and also within the boundaries of a local agency that provides fire protection services receive a reduction of \$35 per habitable structure.

I already pay for local fire protection, why do I need to pay this fee as well?

The law determines that the fee should be charged to the owners of habitable structures in the SRA in part because such habitable structure owners receive a disproportionate benefit from state fire prevention services in the SRA. Historically, locally-funded fire protection services have arisen because residents want an increased level of fire protection services beyond those provided directly by CAL FIRE. Locally-funded fire protection services typically include elements of fire prevention, but these are in addition to services provided by the CAL FIRE across the entire SRA. The Fire Prevention Fee was established to fund some of the state fire services that directly benefit owners of structures in SRA.

What is the duration of the fees?

Pursuant to state law, the fee is assessed annually beginning in fiscal year 2011-12 (July 2011).

How will the fees be collected?

The law specifies that the Board of Equalization(BOE)will collect the fee. The fee will be collected by mail billing, much like vehicle registration renewals. As specified by law, the BOE will collect the fee pursuant to the Fee Collection Procedures Law as found in Section 55001 et seq of the California Revenue and Taxation Code.

When is the fee due?

The fee is due within 30 days of the date on the Board of Equalization bill. Why are CAL FIRE, BOE and others involved in collecting these fees? The roles of CAL FIRE and the State Board of Equalization are specified in law. (ABX1 29). ABX1 29 requires the State Board of Equalization (BOE) to collect this fee on behalf of the California Department of Forestry and Fire Protection (CAL FIRE) and the State Board of Forestry and Fire Protection (Board).

What will happen if I don't pay the bill?

If you don't pay the total amount of your Fire Prevention Fee bill within 30 days of the date on the bill, the BOE will mail a late notice, which may include interest and penalties. The BOE may take other actions in order to collect any unpaid fees. The BOE will collect the fee pursuant to the Fee Collection Procedures Law under Section 5501 et seq of the California Revenue and Taxation Code. For further information regarding what collection actions the BOE may take, please visit the BOE website at www.boe.ca.gov or contact them directly at 800-400-7115.

Is there any penalty if I do not pay the fee before the deadline?

Yes. If you do not pay your fee prior to its due date, an additional 10% penalty may be added to your bill by the BOE for each 30-day period in which the fee remains unpaid. In addition, interest may be added to the past due fee amount.

Why doesn't the County Tax Collector collect these fees?

The legislature, through ABX1 29, specifically directs and authorizes the BOE to collect these fees.

I did not receive a bill, is a fee due from me now?

If you own a habitable structure in the SRA, you should receive a bill. The fee is not due until 30 days after the date printed on your bill. Fiscal Year 2011-12 bills are expected to be sent over a period of about 4 months starting in August of 2012.

My Address has changed. What should I do?

If you received a bill from the BOE addressed to your old address, you can provide your new address with your bill payment. If you have moved since June 30, 2011 and think BOE may not have a current address, please contact the BOE at 800-400-7115 to notify them of your new address.

Can my fee be appealed?

The fee bill will come with a phone number for property owners to call with questions and to find out about an appeal. Under the Fire Prevention Fee law, an appeal is called a "Petition for Redetermination." According to regulations of the Board of Forestry and Fire Protection, fee payers wishing to appeal the fee must file a petition for redetermination within 30 days of receiving their bill. Based on

its review of the petition for redetermination, the Department or its Designated Fee Administrator may keep the original amount of the fee, modify or eliminate it. A decision on the appeal must be made within 60 days of its receipt. Typical reasons for an appeal would be such things as the habitable structure not being in SRA, incorrect determination of the number of habitable structures, incorrect fire district inclusion, or other similar factors.

How do I appeal this fee?

The person named on the bill may file an appeal by completing a Petition for Redetermination. You may obtain the Petition for Redetermination form at www.firepreventionfee.org/Appeals. You can request that a form be mailed to you by calling 888-310-6447.

Who may file an appeal (Petition for Redetermination)?

The petition for redetermination may be completed by and submitted by a property owner subject to the Benefit Fee. This means the property owner who is named on the bill must complete the Petition for Redetermination form themselves. Any Petition for Redetermination received from someone other than the property owner listed on the Fire Prevention Fee bill will not be considered.

How much time do I have to make an appeal (file a Petition for Redetermination)?

Appeals (Petitions for Redetermination) must be filed with the Department of Forestry and Fire Protection or its representative within 30 days from the date of service of the original notice of determination. If a petition is sent by mail, it will be accepted if the post mark is within 30 days.

If I pay my fee and then appeal it (file a Petition for Redetermination), will my payment be refunded?

If you pay your fee and file a petition for redetermination, and it is determined the fee was charged in error or should have been charged at a lower amount, the fee for your account will be corrected accordingly. If the correction results in a credit balance on your account, the BOE will mail you a refund for the credit amount.

I do not own the property for which the fee is due. How do I get this resolved?

The person responsible for paying the fee for the 2011-12 fiscal year is the owner of record as of July 1, 2011 on the County tax assessor rolls, or as recorded in the records of the California Department of Housing and Community Development on July 1 of the state fiscal year in which the fee is due. This is the case regardless of whether the owner of record at that time is still the property owner now. The July 1st date is used because that is the same date used for the issuance of tax bills. If you no longer own the property, you will not be subject to this fee for that property in future years.

Consequently, if you are listed as the owner of the property on the County Tax

records or State Housing and Community Development Records as of July 1, 2011 you are subject to the fee, even if someone else owns the property now. If you did not own the property then or never owned it, file a Petition for Redetermination and indicate that this is the case. If it is subsequently determined that you are not subject to the fee, the fee billing will be canceled and any refunds that are due will be made.

SRA Questions

What is the basic law that describes SRA?

State law describes SRA in Sections 4125 – 4128 of the Public Resources Code. Specifically, Section 4126 says that SRA includes:

- Lands covered wholly or in part by forests or by trees capable of producing forest products
- Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water, or accelerate water percolation, if such lands are sources of water which is available for irrigation or for domestic or industrial use
- Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to other lands so defined. It is important to understand that lands in SRA are based on vegetative cover and natural resource values.

SRA includes state and privately-owned forest, watershed, and rangeland for which the primary financial responsibility of preventing and suppressing vegetation fires rests with the State. SRA does not include lands within city boundaries or in federal ownership. The lands are determined under regulations of the Board of Forestry and Fire Protection (Board). The SRA definition can be found in PRC 4126:

What do terms like "watershed" in the SRA law mean?

More precise information in determining which lands are in SRA are contained in a document entitled *State Responsibility Area Classification System* adopted pursuant to rule of the State Board of Forestry and Fire Protection. The *Classification System* delineates factors related to structural density, size of agricultural parcels, and specific watershed characteristics.

My structure is not in the SRA, so I Should not be subject to the fee?

If you think that your property is not within the SRA, you can research the approximate location on CAL FIRE's website www.bof.fire.ca.gov/sra_viewer/. Or you can call the Fire Prevention Fee Service Center at 888-310-6447 and request that a Petition of Redetermination form be mailed to you. Alternatively, you may obtain the Petition of Redetermination form at

www.firepreventionfee.org/Appeals. If it is subsequently determined that your structure was not within the SRA as of July 1, 2011, the fee billing will be canceled.

What kind of review will be done to see if my property can come out of SRA?

Lands in SRA are based on vegetative cover and natural resource values are described in the SRA Classification System document. The Department does statewide review of SRA every 5 years. The last review was completed in 2010. Adjustments and special review may be made at more frequent intervals if major land-use changes occur or if inconsistencies are discovered in the CAL FIRE corporate Geographic Information System data layer. These changes can occur from expanding urbanization where residential density fundamentally alters watershed characteristics; they can also occur from changes in agriculture crops that involve cultivation and irrigation. Your property would be considered for removal from SRA as part of a special review if it appeared that, consistent with the Classification Key, major land use changes had occurred in the area or if there are inconsistencies in the CAL FIRE corporate data layer.

How long will it take to complete the review of my property for removal from SRA?

If it is determined that a special review will be made, review will take up to a year.